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December 13, 2016

VIA ECF & FEDERAL EXPRESS

Honorable Peter G. Sheridan, U.S.D.J.
US District Court for the District of NJ
402 East State Street
Trenton, New Jersey 08608

Re: *Heritage Pharmaceuticals, Inc. v. Jeffrey Glazer and Jason Malek,*
Case No. 3:16-cv-08483 (PGS)(TJB)

Dear Judge Sheridan:

This firm, along with Gibson, Dunn & Crutcher LLP, represents Plaintiff, Heritage Pharmaceuticals Inc. ("Heritage"), in the above-referenced matter. Heritage does not object to the United States' Motion for a Stay of Proceedings provided that the Company's proprietary information and intellectual property can be sufficiently protected during the pendency of the stay. Heritage moved for a preliminary injunction to compel Defendants to return Heritage's intellectual property and other proprietary information in their possession, and to prohibit Defendants' from disclosing or using such information to Heritage's disadvantage. As the parties have informed Your Honor, they have made substantial progress toward a negotiated resolution of the non-monetary relief sought in Plaintiff's preliminary injunction. In short, Defendants have agreed to return materials related to Heritage's Abbreviated New Drug Applications ("ANDAs"), to transfer ownership to Heritage of the Ketoprofen ANDA, and to agree not to use or disclose any of Heritage's proprietary information.

In addition, Plaintiff has agreed, in concept, with Defendants' proposal for defense counsel to secure and retain other Heritage materials in Defendants' possession, including electronic communications devices, while providing copies of those materials to Plaintiff. These conceptual agreements have been memorialized in a draft proposed order that was provided to Defendants' counsel on December 9. Because Defense counsel has not yet responded to that draft proposed order, Heritage requests that the process of finalizing the order regarding the non-monetary relief sought in its motion for a preliminary injunction be completed before the Court resolves the United States' Motion. Heritage does not object to continuing the December 15 filing deadline while the United States' Motion is pending.

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We thank the Court for its consideration of this request and remain available if Your Honor or Your Honor's staff have any questions.

Respectfully submitted,

s/Liza M. Walsh

Liza M. Walsh

cc: All Counsel of Record (via ECF)